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In Propria Persona

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TODD R. G. HILL, et al,

Plaintiffs

vs.

THE BOARD OF DIRECTORS, OFFICERS AND AGENTS AND INDIVIDUALS OF THE PEOPLES COLLEGE OF LAW, et al.,

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-CV-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

PLAINTIFF'S MOTION FOR LEAVE TO CONDUCT DISCOVERY TO ESTABLISH SYSTEMIC INEQUITIES IN LEGAL EDUCATION AND LICENSURE

NO ORAL ARGUMENT REQUESTED

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STATUTES

PLAINTIFF'S RESPONSE TO STATE BAR RESPONSE TO REPORT OBJECTIONS (DOCKET 230)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD,

PLEASE TAKE NOTICE THAT Plaintiff acknowledges that this Court previously found that Plaintiff failed to demonstrate good cause in connection with earlier discovery requests. However, Plaintiff's current request is distinct both in scope and in supporting evidence. Since that ruling, new facts have emerged that demonstrate the need for discovery to preserve and examine critical evidence.

Plaintiff Todd R.G. Hill respectfully submits this memorandum in support of his motion for leave to conduct discovery regarding the disproportionate and systemic harm imposed on minority students at unaccredited law schools, particularly through the First-Year Law Students' Examination (FYLSX) and the General Bar Exam. Plaintiff contends that the disproportionately low success rates for minority students reflect a manifest imbalance comparable to the inequities recognized by the Supreme Court in *Johnson v. Transportation Agency*, 480 U.S. 616 (1987), thus justifying discovery to address these systemic barriers.

The record before this Court reflects not only systemic inequities in legal education and licensure but also troubling evidence of institutional neglect that has concealed or destroyed relevant information. As documented in the State Bar Trustee Report, minority students are disproportionately affected by lower bar passage rates, reduced access to educational resources, and structural disadvantages within unaccredited law schools. Moreover, records retention issues at Peoples College

of Law (PCL), an institution where minority students have historically been overrepresented, create a substantial risk that evidence critical to Plaintiff's claims has been lost or improperly withheld. To mitigate this risk, Plaintiff previously issued a Preservation of Evidence Letter (a true and accurate copy attached as Exhibit C) placing PCL and the State Bar on notice of their obligation to retain relevant records.

Despite this notice, Plaintiff's efforts to obtain responsive records from State Bar through the California Public Records Act (CPRA) have been met with obstruction and delay.

The combined effect of PCL's records retention failures and the State Bar's refusal to engage in good faith disclosure reinforces Plaintiff's position that discovery is warranted to ensure critical evidence is preserved, reviewed, and produced. To dismiss Plaintiff's claims with prejudice under these circumstances would unfairly reward institutional concealment and undermine the Court's ability to fully evaluate the systemic disparities Todd seeks to expose.

While Plaintiff successfully passed the FYLSX on his first attempt, his success does not negate the broader systemic issues at the heart of this case — namely, the structural barriers that disproportionately exclude minority students from advancing in the legal profession.

The FYLSX, by design, creates a two-track licensure system that imposes disproportionate burdens on students at unaccredited law schools — institutions in which minority students are statistically overrepresented. Plaintiff contends that this system reflects a manifest imbalance in legal education that mirrors the inequities identified by the Supreme Court in *Johnson v. Transportation*

Agency, 480 U.S. 616 (1987). As in *Johnson*, where the Court recognized that structural barriers resulted in severe underrepresentation of women in skilled labor roles, the disproportionately low passage rates for minority students at unaccredited law schools reflect a systemic imbalance that requires examination through discovery.

Discovery is warranted because the State Bar has actively obstructed Plaintiff's efforts to obtain critical evidence through informal channels. Plaintiff's previous efforts to obtain information through the California Public Records Act (CPRA) have been met with evasion and delay. Specifically:

i. In November 2024, Plaintiff submitted a CPRA request seeking records concerning the State Bar's oversight of Peoples College of Law (PCL), particularly regarding accreditation deficiencies and regulatory failures that undermined minority students' educational outcomes. The State Bar failed to respond within CPRA's statutory deadlines and ultimately refused to produce records directly related to its oversight of PCL.

ii. In January 2025, Plaintiff submitted a second CPRA request seeking records regarding the FYLSX, bar licensure policies, and the disparate impact of these policies on minority students. The State Bar delayed its response and ultimately refused to produce responsive records, despite admitting that a search identified relevant materials.

iii. In its February 24, 2025 letter (attached as Exhibit A), the State Bar acknowledged identifying over 16,000 potentially responsive records related to bar licensure, accreditation practices, and regulatory oversight but refused to conduct a reasonable review.

iv. In its March 11, 2025 letter (attached as Exhibit B), the State Bar admitted it had identified nearly 500 additional records related to licensure policy reviews but again refused to conduct a meaningful review or produce records.

v. Additionally, PCL's documented records retention failures raise serious concerns that critical evidence may have been concealed, misplaced, or destroyed. Plaintiff previously issued a Preservation of Evidence Letter (Exhibit C) placing PCL and the State Bar on notice of their obligation to preserve relevant materials. Despite this notice, the State Bar has refused to produce these materials in response to Plaintiff's CPRA requests.

The State Bar's refusal to disclose responsive records — despite confirming their existence — reflects a pattern of evasion that now necessitates discovery. While the Court is not the appropriate venue to enforce CPRA compliance directly, the State Bar's refusal to engage in good faith transparency raises serious concerns about institutional concealment of evidence critical to Plaintiff's claims.

The Supreme Court's decision in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023) (*SFFA*) provides additional grounds for discovery. In *SFFA*, the Court reaffirmed that institutions cannot evade constitutional scrutiny when their policies — even those presented as race-neutral — impose disparate burdens on minority groups. Here, Plaintiff seeks discovery to examine whether the State Bar's regulatory failures, combined with its concealment of internal records, have resulted in structural inequities that disproportionately harm minority students.

Moreover, as the Court recognized in *Johnson*, a manifest imbalance in outcomes — evidenced by clear statistical disparities — justifies discovery to explore whether those disparities result from structural inequality rather than individual failings. Here, discovery is necessary to examine:

- The extent to which minority students face disparate FYLSX and General Bar Exam outcomes;
- Whether unaccredited law schools are disproportionately marketed toward minority students under misleading claims about bar passage rates and licensure outcomes;
- Whether the State Bar's refusal to enforce accreditation standards has contributed to the underrepresentation of minority students in the legal profession; and
- Whether internal communications within the State Bar reveal awareness of systemic disparities or conscious neglect of regulatory obligations.

Finally, Plaintiff contends that the State Bar's refusal to enforce accreditation standards and its suppression of responsive records constitutes an ongoing violation of federal law. As recognized in *Ex parte Young*, 209 U.S. 123 (1908), state actors may not evade federal oversight where their conduct perpetuates ongoing violations of constitutional rights. The State Bar's evasive conduct, coupled with its continued refusal to disclose critical information, underscores the necessity of judicial intervention through discovery.

The State Bar's refusal to enforce accreditation standards has systemic consequences that extend beyond this litigation.

These developments which, in the case of the Court's notice of need to further demonstrate good cause and the March 11, 2025 letter from State Bar, postdate the Court's earlier ruling and reveal that critical evidence is being suppressed or mishandled, undermining the integrity of the factual record. Plaintiff submits that both the State Bar's and PCL Defendants evasive conduct reflects an intentional strategy to avoid producing records that would substantiate Plaintiff's claims.

Plaintiff has acted diligently in pursuing this information through informal channels, yet the State Bar's obstruction tactics have made it impossible to obtain relevant records without the Court's intervention. Courts have long recognized that **good cause** for discovery exists where a litigant demonstrates that key evidence is being improperly withheld, and where informal requests have been met with evasion or delay. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) (noting that refusal to provide information without reasonable cause constitutes grounds for relief).

Plaintiff respectfully requests that this Court reconsider its earlier conclusion that Plaintiff failed to demonstrate good cause, as the circumstances have materially changed. The evidence now shows that the State Bar's refusal to disclose relevant materials — combined with PCL's documented records retention issues — presents a substantial risk that critical evidence will remain concealed absent judicial intervention.

MEMORANDUM OF POINTS AND AUTHORITIES

I. THE RECORD REFLECTS CLEAR EVIDENCE OF SYSTEMIC INEQUITIES

The record before this Court reflects clear evidence of systemic inequities that disproportionately burden minority students in legal education and bar licensure, particularly within unaccredited law schools. The State Bar Trustee Report, which is subject to judicial notice, reveals that minority students are overrepresented in unaccredited institutions, where they face disproportionately high attrition rates, reduced access to academic resources, and significantly lower bar passage rates. The report also documents the State Bar's regulatory inaction, despite its awareness of these disparities, as well as evidence that the State Bar withheld internal findings that acknowledged these imbalances. These structural deficiencies mirror the manifest imbalance identified by the Supreme Court in *Johnson v. Transportation Agency*, 480 U.S. 616 (1987), and demonstrate the type of disproportionate impact that warrants judicial scrutiny under *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023). The existence of these disparities, combined with the State Bar's evasion of CPRA requests and suppression of key records, underscores the need for discovery to examine the extent to which the State Bar's conduct has perpetuated these inequities.

II. EVIDENCE OF WITHHELD RECORDS AND THE STATE BAR'S EVASIVE TACTICS

The State Bar's own correspondence, dated February 24, 2025, and March 11, 2025, reveals clear evidence of institutional evasion and the withholding of records that are directly relevant to

Plaintiff's claims. The letters detail the State Bar's repeated efforts to resist transparency by relying on overbroad objections and vague procedural barriers.

A. STATE BAR'S FEBRUARY 24, 2025, LETTER STATES REFUSAL TO PERFORM REASONABLE SEARCH CONTINUING PATTERN OF NON-COMPLIANCE

In the February 24 letter, the State Bar admitted that a search of their systems identified over 16,000 potentially responsive records related to Todd's request for communications about antitrust concerns, regulatory capture, and restrictive licensure practices. Despite the identification of these records, the State Bar declined to review them, stating it could not "with reasonable efforts" conduct the necessary review to determine relevance

Defendants' pattern of non-compliance extends beyond mere delay; it constitutes a deliberate effort to obstruct case progression in a manner inconsistent with judicial efficiency and fairness. Courts routinely reject such strategic evasions. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) ('[O]utright refusal to grant the leave without any justifying reason… [is] an abuse of discretion and inconsistent with the spirit of the federal rules.'). Given Defendants' established record of evasion and procedural deflection, the Court should construe all ambiguities in Plaintiff's favor and recognize that Defendants' strategy is one of attrition rather than substantive legal defense.

Because of the importance of the issues raised, the Court should not reward the State Bar's tactical delay.

B. STATE BAR'S MARCH 11, 2025, LETTER INDICATES REFUSAL TO PROVIDE MEANINGFUL ACCESS TO RESPONSIVE RECORDS

The State Bar continues Similarly, in the March 11 letter, the State Bar acknowledged locating **nearly 500 potentially responsive records** related to policy reviews but again refused to provide meaningful access to the content, claiming it would be unduly burdensome to conduct a complete review. These responses reflect a consistent pattern of procedural obstruction designed to suppress access to information critical to Plaintiff's claims. The State Bar's refusal to comply with its CPRA and discovery obligations is especially concerning given that its own correspondence acknowledges the existence of potentially responsive records. Plaintiff submits that these records are not speculative; they have been identified, documented, and remain concealed solely due to the State Bar's refusal to engage in reasonable document review, thereby preventing the Plaintiff from providing factual records to support, clarify or substantiate a factual record relevant to his claims.

III. STATE BAR'S REFUSAL TO ENGAGE IN MEANINGFUL COOPERATION DEMONSTRATES BAD FAITH

A. BLANKET OBJECTIONS AS RATIONALE TO SIDESTEP REASONABLE PRODUCTION

The State Bar's assertion that Todd's requests are "overbroad" is undermined by its own admissions. Rather than demonstrating a sincere effort to comply, the State Bar instead relied on blanket objections to sidestep reasonable discovery obligations.

In its February 24 letter, the State Bar dismissed Todd's request as a "wholesale production of records," despite Todd having provided:

1. Narrowing parameters specifying targeted search terms,
2. Key individuals involved in the relevant communications, and

3. A defined timeframe limited to two years.

In its March 11 letter, the State Bar acknowledged that it conducted a search and identified 500 potentially responsive records under the search term "policy review" but refused to review them fully, demonstrating a deliberate refusal to engage in meaningful cooperation.

By refusing to engage meaningfully with Todd's refined CPRA requests — despite acknowledging the existence of over 16,000 potentially responsive records in its February 24 letter and 500 additional records in its March 11 letter — the State Bar has demonstrated a pattern of evasion that mirrors tactics courts have condemned in the context of formal discovery. While the State Bar has not yet been compelled to comply with Rule 26(b)(1) of the Federal Rules of Civil Procedure, its ongoing refusal to review and disclose identified records reveals an intentional effort to suppress relevant evidence. Plaintiff has demonstrated diligence in refining his requests to target key individuals, specific timeframes, and narrowly defined subject matter. The State Bar's continued resistance, despite possessing potentially significant evidence, reflects deliberate avoidance tactics that now warrant Court intervention through a formal discovery order.

The State Bar's conduct demonstrates a facial failure to comply with state law, specifically the California Public Records Act (CPRA). While this federal court is not the venue to compel CPRA compliance directly, the State Bar's failure to adhere to its CPRA obligations is nonetheless significant in evaluating whether dismissal with prejudice is appropriate.

The State Bar's noncompliance under CPRA reveals a broader pattern of procedural evasion that directly implicates Todd's claims of regulatory misconduct, institutional concealment, and due process violations. Courts have long recognized that when a government entity actively resists

transparency by ignoring or manipulating its public accountability obligations, that conduct warrants heightened scrutiny in related litigation. Here, the State Bar's failure to comply with the CPRA reflects a refusal to provide Todd access to records that may substantiate his claims — records the State Bar itself has confirmed exist.

Moreover, the State Bar now seeks to shield itself from suit by mischaracterizing its regulatory role as 'judicial' rather than 'administrative.' This distinction is legally dispositive. In *Verizon Maryland, Inc. v. Public Service Commission of Maryland*, 535 U.S. 635, 645 (2002), the Supreme Court held that state regulatory entities performing enforcement functions are not shielded by sovereign immunity when their conduct violates federal law. Here, the State Bar's failure to enforce accreditation compliance standards, facially compounded by its suppression of public records that may expose regulatory failures, constitutes an ongoing violation of federal law.

This ongoing violation aligns directly with the framework established in *Ex parte Young*, 209 U.S. 123 (1908), which allows for injunctive relief against state actors engaged in continuing violations of federal law. Todd's claims — rooted in the State Bar's refusal to enforce regulatory standards and its suppression of public records that could reveal these failures — fit squarely within this framework. Dismissing Todd's claims with prejudice, particularly where procedural evasion and CPRA violations have obstructed his ability to obtain relevant evidence, would be inconsistent with the principles of due process and federal oversight of state regulatory bodies.

The State Bar's failure to comply with state law (CPRA) reinforces Todd's argument that discovery is warranted to uncover evidence that is currently being concealed. Moreover, the Court's adoption of the Magistrate's recommendation to dismiss Todd's claims with prejudice — without

first ensuring that Todd's constitutional and regulatory claims were fairly adjudicated — would reward the State Bar's procedural evasion and compound the ongoing violation of federal law. In this context, dismissal with prejudice is both procedurally improper and inconsistent with the principles articulated in *Ex parte Young*.

B. THE VOLUME OF POTENTIALLY RESPONSIVE RECORDS SUPPORTS A FINDING OF GOOD CAUSE

The volume of responsive records identified by the State Bar — over 16,000 records related to Todd's regulatory concerns and nearly 500 records pertaining to policy reviews — demonstrates that relevant evidence likely exists. The State Bar's refusal to produce these records is particularly troubling given their obvious relevance to Todd's claims, which center on regulatory misconduct, anticompetitive practices, and discriminatory licensure restrictions.

Courts have consistently recognized that when a party has identified a substantial body of relevant material yet refuses to conduct reasonable review, good cause for discovery is established. In this instance, the volume of identified records — coupled with the State Bar's refusal to cooperate — strongly supports a finding that discovery is necessary to ensure Plaintiff's access to evidence.

Plaintiff requests that the Court reject improper factual determinations and order discovery on the full extent of the State Bar's accreditation failures.

C. THE STATE BAR'S ACTIONS UNDERMINE PUBLIC ACCOUNTABILITY AND TRANSPARENCY

The State Bar's refusal to review or disclose records that it has confirmed exist conflicts with its public duty as a regulatory body. As a government institution responsible for overseeing attorney licensure and legal education policy, the State Bar is obligated to maintain transparency. Its calculated avoidance of reasonable discovery is inconsistent with these duties and raises legitimate concerns about institutional misconduct.

Moreover, the State Bar's attempt to characterize Todd's requests as "burdensome" is undermined by the fact that these requests directly target records related to potential antitrust violations, regulatory capture, and exclusionary licensure practices — all of which are central to Plaintiff's claims. The State Bar's pattern of evasion strengthens Plaintiff's argument that discovery is necessary to uncover relevant evidence that has been improperly concealed.

The State Bar has argued that the Magistrate properly exercised discretion in partially denying judicial notice (see Docket No. 230). However, Plaintiff's unopposed requests for judicial notice (Dockets 197 & 199) were not ruled upon, creating an incomplete factual record (See Docket 217).

Under Federal Rule of Evidence 201, courts are required to rule on judicial notice requests, particularly where they are unopposed and pertain to matters of public record.

By failing to rule on unopposed judicial notice requests (Dockets 197 & 199), the Magistrate has introduced an incomplete factual record that materially prejudices Plaintiff's ability to litigate claims on equal footing. See *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018) ('[A] court must consider the full evidentiary record before ruling on the sufficiency of pleadings.'). Courts have held that judicial economy is best served by resolving notice issues first, ensuring that adjudications are based on a full, rather than selective, evidentiary record.

The State Bar's argument that Plaintiff "failed to identify specific facts appropriate for judicial notice" is disingenuous. Plaintiff has provided:

a. Legislative records

b. State Bar internal documents

c. Accreditation-related correspondence

These materials are unquestionably public records and fit squarely within Rule 201(b). By refusing to rule on Dockets 197 & 199, the Magistrate deprived Plaintiff of a full and fair adjudication.

Plaintiff requests that the Court formally rule on judicial notice to prevent further procedural irregularities.

The State Bar has mischaracterized Plaintiff's judicial notice requests and additional obstruct his attempts at obtaining records to properly construct a factual record. The State Bar's withholding of records as well as the Magistrate's failure to rule on Dockets 197 & 199 constitutes an omission that materially prejudices Plaintiff. Rather than acknowledging these procedural and regulatory defects, the State Bar attempts to obscure them.

D. THE SYSTEMIC IMBALANCE IN MINORITY OUTCOMES IN UNACCREDITED LAW SCHOOLS

Plaintiff contends that the disproportionately low success rates for minority students reflect a manifest imbalance comparable to the inequities recognized by the Supreme Court in *Johnson v.*

Transportation Agency, 480 U.S. 616 (1987), thus justifying discovery to address these systemic barriers.

The systemic disadvantages experienced by minority students attending unaccredited law schools reveal a troubling pattern of exclusion. Data shows that minority students disproportionately enroll in unaccredited law schools, where they face unique hurdles not imposed on students attending ABA-accredited institutions. Chief among these is the FYLSX, an exam imposed exclusively on students from unaccredited schools. The passage rates for this exam—and the subsequent General Bar Exam—demonstrate a significant racial disparity that warrants discovery to uncover its root causes.

This pattern mirrors the manifest imbalance identified in *Johnson v. Transportation Agency*, where the Supreme Court upheld affirmative action efforts to correct the severe underrepresentation of women in skilled labor positions. There, the Court concluded that gender imbalances in employment rates constituted a structural failure, even without a finding of intentional discrimination. Similarly, here, the consistently disproportionate failure rates for minority students at unaccredited law schools represent a structural inequity that necessitates discovery.

E. SYSTEMIC BARRIERS AND UNEQUAL OPPORTUNITY

In Johnson, the Court emphasized that a manifest imbalance could be demonstrated by statistical disparities alone, without requiring proof of discriminatory intent. In the present case, discovery is necessary to explore:

1. Recruitment Practices: Evidence suggests that unaccredited law schools actively recruit minority students, often presenting misleading claims about success rates and career prospects.
2. Resource Disparities: Unaccredited schools frequently operate with fewer faculty, reduced academic support, and diminished student resources, conditions that disproportionately affect minority students who are overrepresented in such institutions.
3. Institutional Misconduct: Plaintiff contends that Peoples College of Law (PCL), through its knowingly manipulated credit calculations, undermined students' ability to meet educational benchmarks, a burden that particularly harmed minority students reliant on unaccredited institutions.

These factors reflect systemic failures akin to those identified in Johnson, where the Court recognized that barriers such as exclusionary hiring practices required affirmative remedial action.

F. DISCOVERY IS WARRANTED TO ESTABLISH FACTUAL SUPPORT FOR SYSTEMIC INEQUITY

The Court in Johnson permitted affirmative action to correct a manifest imbalance based on a clear statistical disparity. Plaintiff seeks discovery to:

1. Obtain data regarding FYLSX passage rates by race, ethnicity, and socioeconomic background to assess the disparate impact on minority students;
2. Uncover evidence of predatory enrollment practices targeting minority students by unaccredited schools;

3. Investigate the adequacy of academic resources and support provided by these institutions; and
4. Examine records of internal communications within the State Bar to determine whether its failure to address these known disparities constitutes negligence or misconduct.

Such discovery is essential to establishing that systemic inequities—not individual failings—are responsible for the low success rates of minority students at unaccredited law schools. As in Johnson, remedial measures may be justified if this manifest imbalance is demonstrated.

G. DUE PROCESS & INSTITUTIONAL PREFERENCE

The Court has an independent duty to ensure that its rulings adhere to fundamental fairness and procedural due process. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) ('[D]ue process requires an opportunity to present every available defense.'). If this Court accepts Defendants' procedural gamesmanship—ignoring pending judicial notice requests and refusing to enforce case management obligations, it risks affirming a system where litigants are prejudiced by virtue of institutional affiliation, rather than legal merit. Such a precedent cannot stand.

Furthermore, Defendants' chronic procedural non-compliance is not mere oversight, it is a deliberate litigation strategy to obstruct Plaintiff's access to a fair adjudication. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) ('[O]utright refusal to grant leave without any justifying reason… [is] an abuse of discretion and inconsistent with the spirit of the federal rules.').

Their pattern of obstruction should weigh against Defendants' credibility before this Court.

H. PUBLIC INTEREST IMPLICATIONS

The State Bar's ongoing failure to regulate unaccredited law schools has consequences far beyond this litigation. Courts have a vested interest in ensuring that regulatory agencies uphold their obligations. See *Texas Dep't of Housing v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015) (holding that regulatory enforcement failures disproportionately impact underprivileged groups). This case is not merely about procedural compliance, it is about the systemic accountability of a regulatory body entrusted with protecting the public interest.

Furthermore, the State Bar's failure to neutrally satisfy CPRA requests violates fundamental fairness. The refusal to provide meaningful access to public records acts to distort the relevant factual record, leaving Plaintiff at a procedural disadvantage.

IV. GOOD CAUSE EXISTS TO PERMIT DISCOVERY

Good cause for discovery exists where the requesting party identifies specific information necessary to support a claim and demonstrates that the requested information is likely to lead to admissible evidence. Plaintiff has shown that discovery is essential to uncovering:

A. The extent of minority underrepresentation in bar admissions;

B. Evidence of discriminatory or negligent oversight by the State Bar; and

C. The structural disadvantages imposed by FYLSX and unaccredited law school practices.

The data Plaintiff seeks is directly relevant to demonstrating the systemic exclusion of minority students a form of institutional discrimination that mirrors the manifest imbalance identified in *Johnson* and for which policies in support must satisfy strict scrutiny under the prevailing precedent set in *SFFA*.

V. RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests that the Court grant Plaintiff's motion for discovery to obtain evidence establishing the systemic disadvantages faced by minority students at unaccredited law schools.

The Supreme Court's ruling in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023) (*SFFA*) underscores that courts must scrutinize institutional practices that perpetuate racial inequality, particularly in educational contexts. In *SFFA*, the Court recognized that educational institutions — even those operating under constitutional authority — may not insulate themselves from judicial scrutiny when their policies or practices result in systemic disadvantages that disproportionately harm minority students.

Similarly, the structural inequities embedded in the State Bar's oversight of unaccredited law schools demand closer examination. The State Bar's failure to enforce accreditation compliance standards — coupled with its refusal to produce public records that may reveal discriminatory impacts — presents precisely the type of institutional evasion that *SFFA* warns courts against

ignoring. The discovery Plaintiff seeks is essential to evaluating whether the State Bar's regulatory decisions perpetuate structural inequality in violation of federal law.

Moreover, as the Court in *Johnson* recognized, addressing entrenched inequalities requires proactive measures to expose institutional practices that disadvantage historically marginalized groups. The State Bar's regulatory conduct — including its suppression of records related to accreditation enforcement — reflects a system that disproportionately burdens minority students attending unaccredited law schools. The discovery Plaintiff seeks is narrowly tailored to reveal evidence of this systemic imbalance.

In this context, denial of discovery would reward institutional evasion and prevent the Court from fully examining the State Bar's potential violations of federal law. Just as *SFFA* emphasized the Court's duty to examine racial disparities in educational institutions, this Court should ensure that Todd's efforts to expose inequities in legal education are not obstructed by procedural delays or suppression tactics.

Accordingly, Plaintiff respectfully requests that the Court grant Plaintiff's motion for discovery to ensure a complete and fair examination of the systemic disadvantages faced by minority students at unaccredited law schools.

The State Bar's evasive tactics — including identifying but refusing to review substantial volumes of relevant material — demonstrate that the discovery Todd seeks is not speculative but necessary. The Court should reject the State Bar's attempts to obstruct transparency and compel full compliance with Todd's reasonable discovery requests.

By persistently pursuing this information, Todd has demonstrated diligence and clear **good cause** for obtaining discovery that directly relates to his claims. The requested discovery is both reasonable and essential to ensuring a fair and complete adjudication of this matter.

Plaintiff appreciates the Court's attention to these matters and respectfully requests fair and timely adjudication of these procedural issues.

Dated: March 11, 2025

Respectfully submitted,

Todd R. G. Hill
Plaintiff, Pro Se

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 5,130 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,

March 11, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,

March 11, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

EXHIBIT A

The State Bar of California

845 South Figueroa Street, Los Angeles, CA 90017 https://calbarca.nextrequest.com/

February 24, 2025

Todd Hill
toddryangregoryhill@gmail.com

Dear Todd Hill:

I write on behalf of the State Bar of California ("State Bar"), in response to your public records request pursuant California Public Records Act, Government Code Section 7920 et seq. ("CPRA") dated January 30, 2025, titled "Records Related to Antitrust Concerns, Bar Licensure Restrictions, and Regulatory Practices for Unaccredited and State Bar-Accredited Law Schools." The State Bar previously responded to you on February 10, 2025, invoking the statutory 14-day extension to respond to your request. The State Bar now responds as below.

Request No.1: Internal State Bar Communications on Regulatory Barriers and Competition Concerns

Please provide copies of all communications (emails, memoranda, reports, policy drafts, meeting minutes, and legal opinions) between January 1, 2023, and present involving:

- Members of the Board of Trustees, the Office of General Counsel, the Office of Admissions, and CSBARS staff attorneys discussing:
- Potential antitrust concerns related to restrictions on bar licensure for graduates of unaccredited or State Bar-accredited law schools.
- Concerns about market access, competition, or regulatory capture in legal education oversight.
- Any internal reviews or assessments of the State Bar's role in restricting access to legal licensure, including comparisons between unaccredited and ABA-accredited schools.
- Discussions of whether State Bar policies might be perceived as anti-competitive, including references to any prior complaints, regulatory inquiries, or legal challenges.

Narrowing Parameters:

- Timeframe: January 1, 2023 – Present
- Key Individuals: Leah Wilson, Jean Krasilnikoff, Paul Kramer, Ellen Davtyan, Audrey Ching, Anik Banerjee
- Keywords to Facilitate Search:

- "antitrust," "competition," "regulatory capture," "barriers to entry," "restraint of trade," "unaccredited schools," "licensure restrictions," "market access," "ABA vs. State Bar-accredited," "capture," "registered school".

Response to Request No. 1: The State Bar's obligation is to produce documents for copy or inspection upon a request that "reasonably describes an identifiable record." (Gov. Code § 7922.600.) "The request to the agency must itself be focused and specific." (*Rogers v. Superior Court* (1993) 19 Ca.App.4th 469, 481.) Further, the State Bar must be able to determine whether the records can be located with reasonable effort. (*State Board of Equalimozati7on v. Superior Court* (1992) 10 Cal.App.4th 1177, 1186.)

A request for the "wholesale production of records" is objectionable as overbroad. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [public interest in disclosure of five years' worth of governor's calendars was "crushed under the massive weight of the Times's request"].) The State Bar "cannot be subjected to a 'limitless' disclosure obligation." (*Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 372 [quoting California *First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166].) Nor do reasonable efforts require a search of every email sent or received by multiple employees over a substantial period of time. (*Hainey v. U.S. Dept. of the Interior* (D.D.C. 2013) 925 F.Supp.2d 34, 44-45 [agency properly declined to respond to request that would require search of every email sent or received by 25 different employees over a two-year time period].)

As written, your request seeks records of dozens of individuals over a two-year time period spanning a variety of different topics and is therefore objectionable as overbroad. Pursuant to your "narrowing parameters," we conducted a diligent search for responsive records of the named "key individuals"' within outlook systems, for the specified time period, using the requested "keywords," and identified over 16,000 potentially responsive records. The State Bar cannot, with reasonable efforts, review this volume of records to determine which are responsive to your request. Please contact me if you would like further assistance narrowing your request.

Request No.2: Communications Regarding Internal Concerns Raised by Whistleblowers, Staff, or External Stakeholders

Any complaints, concerns, or internal warnings (including whistleblower reports) from State Bar staff, Board members, or external stakeholders regarding:

- Concerns about unfair or anti-competitive restrictions in State Bar policies.
- Any internal discussions about potential regulatory reform to reduce barriers for non-ABA graduates.
- Any internal assessment of exposure to legal or regulatory action related to bar licensure restrictions.

Narrowing Parameters:

- Timeframe: January 1, 2023 – Present
- Key Individuals: Internal risk assessment teams, Office of General Counsel, Admissions Staff, Board of Trustees
- Keywords: "whistleblower," "internal complaint," "barriers to entry," "legal exposure," "licensure reform," "capture".

Response to Request No. 2: The State Bar's obligation is to produce documents for copy or inspection upon a request that "reasonably describes an identifiable record." (Gov. Code § 7922.600.) "The request to the agency must itself be focused and specific." (*Rogers v. Superior Court* (1993) 19 Ca.App.4th 469, 481.) Further, the State Bar must be able to determine whether the records can be located with reasonable effort. (*State Board of Equalimozati7on v. Superior Court* (1992) 10 Cal.App.4th 1177, 1186.)

A request for the "wholesale production of records" is objectionable as overbroad. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [public interest in disclosure of five years' worth of governor's calendars was "crushed under the massive weight of the Times's request"].) The State Bar "cannot be subjected to a 'limitless' disclosure obligation." (*Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 372 [quoting California *First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166].) Nor do reasonable efforts require a search of every email sent or received by multiple employees over a substantial period of time. (*Hainey v. U.S. Dept. of the Interior* (D.D.C. 2013) 925 F.Supp.2d 34, 44-45 [agency properly declined to respond to request that would require search of every email sent or received by 25 different employees over a two-year time period].)

As an initial matter, it is not clear what is meant by "internal risk assessment teams," and a request for records of all "Admissions Staff," Board of Trustees, and the Office of General Counsel over a two-year period is overbroad. Notwithstanding, pursuant to your "narrowing parameters", we conducted a diligent search for responsive records of its best assessment of the "key individuals," for the specified time period, and the requested "keywords" and identified nearly 15,000 potentially responsive records. The State Bar cannot, with reasonable efforts, review this volume of records to determine which are responsive to your request. Please contact me if you would like further assistance narrowing your request.

Request No. 3: Meeting Minutes and Reports Regarding the State Bar's Assessment of Antitrust Risks

Copies of meeting minutes, presentations, risk assessments, or internal reports discussing:

- The State Bar's legal or regulatory exposure regarding competition law and restrictions on bar licensure.
- Policy discussions related to concerns about regulatory overreach or market control in legal education.

- Discussions of the Antitrust Determination 2023-0002 or any related reviews.

Narrowing Parameters:

- Timeframe: January 1, 2023 – Present
- Relevant Committees: CSBARS, Office of General Counsel, Board of Trustees
- Keywords: “antitrust risk,” “market restriction,” “policy review,” “competition,” “risk assessment,” “barriers to licensure”.

Response to Request No. 3:
With regard to the Committee of State Bar Accredited and Registered Schools (“CSBARS”) records, including meeting minutes, reports and presentations, the State Bar conducted a diligent search and did not identify any records responsive to this request.

With respect to records from the other “committees” in your narrowing parameters, the State Bar Office of General Counsel is not a committee. With regard to records of the Office of General Counsel that may be responsive to this request, any such records are exempt as protected by the attorney-client privilege and attorney work product doctrine pursuant to California Evidence Code section 954 and California Evidence Code section 2018.030, incorporated into the CPRA through California Government Code section 7927.705.

With regards to records of the Board of Trustees that may be responsive to this request, the State Bar’s diligent search for responsive records remains ongoing. The State Bar anticipates producing responsive nonexempt records, if any, on or before March 11, 2025. The State Bar reserves the right to assert all applicable exemptions that may apply to such records.

Pursuant to Government Code section 7922.540, subdivision (b), the name and position of the person responsible for the denial of any of these requests is Suzanne Grandt, Assistant General Counsel in the State Bar’s Office of General Counsel. Please contact the State Bar if you need assistance with narrowing or clarifying the scope of your requests.

Sincerely,

Public Records Coordinator
The State Bar of California

EXHIBIT B

The State Bar of California

845 South Figueroa Street, Los Angeles, CA 90017 https://calbarca.nextrequest.com/

March 11, 2025

Todd Hill
toddryangregoryhill@gmail.com

Dear Todd Hill:

I write on behalf of the State Bar of California ("State Bar"), in response to your public records request pursuant California Public Records Act, Government Code Section 7920 et seq. ("CPRA") dated January 30, 2025, titled "Records Related to Antitrust Concerns, Bar Licensure Restrictions, and Regulatory Practices for Unaccredited and State Bar-Accredited Law Schools." On February 24, 2025, the State Bar previously responded to you in full regarding this request, except with regard to request no. 3. The State Bar now responds as below.

Request No. 3: Meeting Minutes and Reports Regarding the State Bar's Assessment of Antitrust Risks

Copies of meeting minutes, presentations, risk assessments, or internal reports discussing:

- The State Bar's legal or regulatory exposure regarding competition law and restrictions on bar licensure.
- Policy discussions related to concerns about regulatory overreach or market control in legal education.
- Discussions of the Antitrust Determination 2023-0002 or any related reviews.

Narrowing Parameters:

- Timeframe: January 1, 2023 – Present
- Relevant Committees: CSBARS, Office of General Counsel, Board of Trustees
- Keywords: "antitrust risk," "market restriction," "policy review," "competition," "risk assessment," "barriers to licensure".

Response to Request No. 3: The State Bar's obligation is to produce documents for copy or inspection upon a request that "reasonably describes an identifiable record." (Gov. Code § 7922.600.) "The request to the agency must itself be focused and specific." (*Rogers v. Superior Court* (1993) 19 Ca.App.4th 469, 481.) Further, the State Bar must be able to determine whether the records can be located with reasonable effort. (*State Board of Equalimozati7on v. Superior Court* (1992) 10 Cal.App.4th 1177, 1186.)

A request for the "wholesale production of records" is objectionable as overbroad. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [public interest in disclosure of five years' worth of governor's calendars was "crushed under the massive weight of the Times's request"].) The State Bar "cannot be subjected to a 'limitless' disclosure obligation." (*Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 372 [quoting California *First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166].) Nor do reasonable efforts require a search of every email sent or received by multiple employees over a substantial period of time. (*Hainey v. U.S. Dept. of the Interior* (D.D.C. 2013) 925 F.Supp.2d 34, 44-45 [agency properly declined to respond to request that would require search of every email sent or received by 25 different employees over a two-year time period].)

The sole portion of this request that remained outstanding after the State Bar's response to you on February 24, 2025 concerned records of the Board of Trustees that may be responsive to this request.

As written, your request seeks records from over a two-year time period spanning a variety of different topics and is therefore objectionable as overbroad. Pursuant to your "narrowing parameters," we conducted a diligent search for responsive records of the term "policy review" within State Bar systems, for the specified time period, and identified nearly 500 potentially responsive records for the term "policy review." The State Bar cannot, with reasonable efforts, review this volume of records to determine which are responsive to your request. Please contact me if you would like further assistance narrowing your request.

With regard to the other "keywords," the State Bar reviewed records that hit on those terms and is producing the records at the link below as responsive to this request.

Req.3

The State Bar's response to this request is now complete.

Pursuant to Government Code section 7922.540, subdivision (b), the name and position of the person responsible for the denial of any of these requests is Suzanne Grandt, Assistant General Counsel in the State Bar's Office of General Counsel. Please contact the State Bar if you need assistance with narrowing or clarifying the scope of your requests.

Sincerely,

Public Records Coordinator
The State Bar of California

EXHIBIT C

Demand for Preservation of Electronically Stored Information and Other Evidence

This serves as a revised notice and demand for preservation originally issued 09/01/2022.

This serves as a preservation request related to Todd Hill, a 4L-student at the Guild Law School (dba and hereinafter referred to as "The People's College of Law" or "PCL") who asserts that he is a victim of negligence, fraud, extortion, intentional interference, defamation, and unlawful recording at the hands of the School's Administration as, in part, retaliation for his efforts to have the unlawful recording of erroneous unit quantities submitted to the State Bar, the sole regulator in the sphere of legal education services, from PCL, a "designated entity" with the authority to certify student compliance with for eligibility to sit for the California Bar Exam.

Mr. Hill is unable to see transcripts, transactions, transactional processes, as well as certain "automated" processes inherent to either PCL's or the State Bar of California's and/or contracted third-party service providers (e.g., Populi, Salesforce, proprietary) computing and management system(s). In addition, there is reason to believe that certain records have been, or are in IMMINENT jeopardy of being, destroyed; Mr. Hill believes that it may be the case that evidence may be altered or destroyed by automated system or human conduct.

Mr. Hill has never received, up to an including the date of writing, an accurate transcript since his matriculation at PCL in Fall 2019.

To wit:

Related to certain communications, including requests for clarification, declarations of fact, applications, status reports, and reports of retaliation suffered by student in his good faith efforts to resolve any identified areas of controversy.

Given the nature of the issues surrounding the transaction(s) and the likelihood for a civil cause of action in the case of its unsuccessful resolution growing out of the matters described above (hereinafter this "cause"):

It is required that you preserve documents, tangible things, and electronically stored information potentially relevant to the issues and defenses in this cause.

As used in this document, "you" and "your" refers to the State Bar of California, and its predecessors, successors, parents, subsidiaries, divisions and affiliates, officers, directors, agents, attorneys, accountants, students, partners Assigns and other persons occupying similar positions or performing similar functions.

You must anticipate that information subject to disclosure and responsive to discovery resides on your current and former computer systems, phones and tablets, in online repositories and on other storage media and sources (including voice- and video recording systems, Cloud services and social networking accounts).

Electronically stored information (hereinafter "ESI") should be afforded the broadest possible meaning and includes (by way of example and not as an exclusive list) potentially relevant information electronically, magnetically, optically, or otherwise stored as and on:

- Digital communications (e.g., e-mail, voice mail, text messaging, WhatsApp, SIM cards)

- E-Mail Servers (e.g., Microsoft 365, Gmail, and Microsoft Exchange databases)
- Word processed documents (e.g., Microsoft Word, Apple Pages or Google Docs files and drafts)
- Spreadsheets and tables (e.g., Microsoft Excel, Google Sheets, Apple Numbers)
- Presentations (e.g., Microsoft PowerPoint, Apple Keynote, Prezi)
- Social Networking Sites (e.g., Facebook, Twitter, Instagram, LinkedIn, Reddit, Slack, TikTok)
- Online ("Cloud") Repositories (e.g., Drive, OneDrive, Box, Dropbox, AWS, Azure)
- Databases (e.g., Access, Oracle, SQL Server data, SAP)
- Backup and Archival Files (e.g., Veritas, Zip, Acronis, Carbonite)
- Contact and Customer Relationship Management Data (e.g., Salesforce, Outlook, MS Dynamics)
- Online Banking, Credit Card, Retail and other Relevant Account Records
- Accounting Application Data (e.g., QuickBooks, NetSuite, Sage)
- Image and Facsimile Files (e.g., .PDF, .TIFF, .PNG, .JPG, .GIF., HEIC images)
- Sound Recordings (e.g., .WAV and .MP3 files)
- Video and Animation (e.g., Security camera footage, .AVI, .MOV, .MP4 files)
- Calendar, Journaling and Diary Application Data (e.g., Outlook PST, Google Calendar, blog posts)
- Project Management Application Data
- Internet of Things (IoT) Devices and Apps (e.g., Amazon Echo/Alexa, Google Home, Fitbit)
- Computer Aided Design/Drawing Files
- Online Access Data (e.g., Temporary Internet Files, Web cache, Google History, Cookies)
- Network Access and Server Activity Logs

ESI resides not only in areas of electronic, magnetic, and optical storage media reasonably accessible to you, but also in areas you may deem not reasonably accessible. You are obliged to preserve potentially relevant evidence from both sources of ESI, even if you do not anticipate producing such ESI or intend to claim it is confidential or privileged from disclosure.

The demand that you preserve both accessible and inaccessible ESI is reasonable and necessary. Pursuant to the rules of civil procedure, you must identify all sources of ESI you decline to produce and demonstrate to the court why such sources are not reasonably accessible. For good cause shown, the court may order production of the ESI, even if it is not reasonably accessible. Accordingly, you must preserve ESI that you deem inaccessible so as not to preempt the court's authority.

Preservation Requires Immediate Intervention

You must act immediately to preserve potentially relevant ESI, including, without limitation,

information with the earlier of a Created or Last Modified date on or after December 2021 through the date of this demand and continuing thereafter, concerning:

1. The events and causes of action described above;
2. ESI you may use to support claims or defenses in this case;
3. Information material to this transaction but not disclosed to the student(s).

Adequate preservation of ESI requires more than simply refraining from efforts to delete, destroy or dispose of such evidence. You must intervene to prevent loss due to routine operations or active deletion by employing proper techniques and protocols to preserve ESI. Many routine activities serve to irretrievably alter evidence and constitute unlawful spoliation of evidence.

Preservation requires action.

Nothing in this demand for preservation of ESI should be read to limit or diminish your concurrent common law and statutory obligations to preserve documents, tangible things and other potentially relevant evidence.

Suspension of Routine Destruction

You are directed to immediately initiate a litigation hold for potentially relevant ESI, documents and tangible things and to act diligently and in good faith to secure and audit compliance with such litigation hold. You are further directed to immediately identify and modify or suspend features of your information systems and devices that, in routine operation, operate to cause the loss of potentially relevant ESI. Examples of such features and operations may include:

- Purging the contents of e-mail and messaging repositories by age, quota, or other criteria
- Using data or media wiping, disposal, erasure or encryption utilities or devices
- Overwriting, erasing, destroying, or discarding backup media
- Re-assigning, re-imaging or disposing of systems, servers, devices or media
- Running “cleaner” or other programs effecting wholesale metadata alteration
- Releasing or purging online storage repositories or non-renewal of online accounts

- Using metadata stripper utilities
- Disabling server, packet, or local instant messaging logging
- Executing drive or file defragmentation, encryption, or compression programs

Guard Against Deletion

You should anticipate the potential that your officers, students, or others may seek to hide, destroy or alter ESI. You must act to prevent and guard against such actions. Especially where company machines were used for Internet access or personal communications, you should anticipate that users may seek to delete or destroy information they regard as personal, confidential, incriminating or embarrassing, and in so doing, they may also delete or destroy potentially relevant ESI. This concern is not unique to you.

It's simply conduct that occurs with such regularity that any custodian of ESI and their counsel must anticipate and guard against its occurrence.

For example, at time of this writing, July 31, 2023, a check of PCL's website reveals that it now publicizes its intent to award fewer units for its classes when it has been expressly and constructively aware of the issues since 2017. The State Bar is believed to have issued corrective guidance to PCL in the Fall of 2022.

Preservation of Backup Media

You are directed to preserve complete backup media sets (including differentials and incremental backups) that may contain unique communications and ESI of the following custodians for all dates during the below-listed intervals:

All agents, representatives, or third-party assignees known to the State Bar of California to have communicated,evaluated, processed, annotated, produced, or controlled via telephone, electronic, or physical mediain regard to any aspect of the events described above. If the State Bar of California requires assistance in identifyingpersonnel beyond those specifically identified below, the State Bar of California is welcome to contact students forfurther information.

The agents, representatives, and/or third-party assignees referenced above should include, but are not limited to:

RELATED TO THE STATE BAR OF CALIFORNIA:

LEAH WILSON, ESQ.; SUZANNE CELIA GRANDT, ESQ., ;VANESSA HOLTON, ESQ.; ELLIN DAVYTYAN, ESQ; LOUISA AYRAPETYAN; ALFREDO HERNANDEZ; JUAN DE LA CRUZ; NATALIE LEONARD, ESQ., DONNA HERSHKOWITZ, ESQ.; CARMEN NUNEZ; ELIZABETH HOM; JAY FRYKBERG; GINA CRAWFORD; LARRY KAPLAN; DAVID LAWRENCE; HON. JAMES HERMAN; PAUL A. KRAMER; CAROLINE HOLMES; IMELDA SANTIAGO; NATALIE HOPE; STEVE MAZER; YUN XIANG; JOAN RANDOLPH; JEAN KRISILNIKOFF; ENRIQUE ZUNIGA, ROBERT S. BRODY; GEORGE S. CARDONA, CHIEF TRIAL COUNSEL; MELANIE J. LAWRENCE, INTERIM CHIEF TRIAL COUNSEL; ANTHONY J. GARCIA, ASSISTANT CHIEF TRIAL COUNSEL SHATAKA SHORES-BROOKS, SUPERVISING ATTORNEY ELI D. MORGENSTERN, SENIOR TRIAL COUNSEL; JORGE NAVARETTE, CLERK OF THE SUPREME COURT OF CALIFORNIA; RUBEN DURAN, Assembly Appointee, Attorney Member, Chair ("DURAN"); BRANDON N. STALLINGS, Supreme Court Appointee, Attorney Member Vice-Chair; MARK BROUGHTON, Supreme Court Appointee, Attorney Member; HAILYN CHEN, Supreme Court Appointee, Attorney Member; JOSÉ CISNEROS, Governor Appointee, Public Member; JUAN DE LA CRUZ, Assembly Appointee, Public Member; GREGORY E. KNOLL, Senate Appointee, Attorney Member; MELANIE M. SHELBY, Governor Appointee, Public Member; ARNOLD SOWELL JR., Senate Appointee, Public Member; MARK W. TONEY, PH.D., Governor Appointee, Public Member; AMY NUNEZ, Director III; AUDREY CHING, Director I; NATALIE LEONARD, Principal Program Analyst, Law School Regulation; LISA CUMMINS, Principal Program Analyst, Examinations; TAMMY CAMPBELL, Program Manager II, Operations & Management; KIM WONG, Admissions; DEVAN MCFARLAND, Admissions.

RELATED TO PEOPLE'S COLLEGE OF LAW:

HECTOR C. PEÑA; CHRISTINA MARIN GONZALEZ, ESQ.; ROBERT IRA SPIRO, ESQ.; JUAN MANUEL SARIÑANA, ESQ.; PREM SARIN ; DAVID TYLER BOUFFARD; JOSHUA GILLENS, ESQ.; CLEMENTE FRANCO, ESQ.; HECTOR SANCHEZ, ESQ.; PASCUAL TORRES, ESQ.; CAROL DUPREE, ESQ., GARY SILBIGER, ESQ.; EDITH POMPOSO; ADRIANA ZUNIGA NUÑEZ; PASCUAL TORRES;

ALTERNATIVES TO SYSTEM SEQUESTRATION

In the event you deem it impractical to sequester systems, media and devices, we believe that the breadth of preservation required, coupled with the modest number of systems implicated, dictates that forensically sound imaging of the systems, media and devices of those named above is expedient and cost effective. As we anticipate the need for forensic examination of one or more of the systems and the presence of relevant evidence in forensically significant areas of the media, we demand that you employ forensically sound ESI preservation methods. Failure to use such methods poses a significant threat of spoliation and data loss.

"Forensically sound ESI preservation" means duplication of all data stored on the evidence media while employing a proper chain of custody and using tools and methods that make no changes to the evidence and support authentication of the duplicate as a true and complete bit- for-bit image of the original. The products of forensically sound duplication are called, inter alia, "bitstream

images" of the evidence media. A forensically sound preservation method guards against changes to metadata evidence and preserves all parts of the electronic evidence, including deleted evidence within "unallocated clusters" and "slack space."

Be advised that a conventional copy or backup of a hard drive does not produce a forensically sound image because it captures only active data files and fails to preserve forensically significant data existing in, e.g., unallocated clusters and slack space.

Further Preservation by Imaging

With respect to the hard drive, thumb drives, phones, tablets and storage devices of each of the persons named below and of each person acting in the capacity or holding the job title named below, demand is made that you immediately obtain, authenticate and preserve forensically sound images of the storage media in any computer system (including portable and personal computers, phones and tablets) used by that person during the period from date of contact to last relevant entry as well as recording and preserving the system time and date of each such computer.

All agents, representatives, or third-party assignees known to the State Bar of California to have communicated, evaluated, processed, annotated, produced, or controlled via telephone, electronic, or physical media in regard to any aspect of the events described above. If the State Bar of California requires assistance in identifying personnel beyond those specifically identified below, the State Bar of California is welcome to contact students for further information.

The agents, representatives, and/or third-party assignees referenced above should include, but are not limited to:
RELATED TO THE STATE BAR OF CALIFORNIA:

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HOLMES; IMELDA SANTIAGO; NATALIE HOPE; STEVE MAZER; YUN XIANG; JOAN RANDOLPH; JEAN KRISILNIKOFF; ENRIQUE ZUNIGA, ROBERT S. BRODY; GEORGE S. CARDONA, CHIEF TRIAL COUNSEL; MELANIE J. LAWRENCE, INTERIM CHIEF TRIAL COUNSEL; ANTHONY J. GARCIA, ASSISTANT CHIEF TRIAL COUNSEL SHATAKA SHORES-BROOKS, SUPERVISING ATTORNEY ELI D. MORGENSTERN, SENIOR TRIAL COUNSEL; JORGE NAVARETTE, CLERK OF THE SUPREME COURT OF CALIFORNIA; RUBEN DURAN, Assembly Appointee, Attorney Member, Chair ("DURAN"); BRANDON N. STALLINGS, Supreme Court Appointee, Attorney Member Vice-Chair; MARK BROUGHTON, Supreme Court Appointee, Attorney Member; HAILYN CHEN, Supreme Court Appointee, Attorney Member; JOSÉ CISNEROS, Governor Appointee, Public Member; JUAN DE LA CRUZ, Assembly Appointee, Public Member; GREGORY E. KNOLL, Senate Appointee, Attorney Member; MELANIE M. SHELBY, Governor Appointee, Public Member; ARNOLD SOWELL JR., Senate Appointee, Public Member; MARK W. TONEY, PH.D., Governor Appointee, Public Member; AMY NUNEZ, Director III; AUDREY CHING, Director I; NATALIE LEONARD, Principal Program Analyst, Law School Regulation; LISA CUMMINS, Principal Program Analyst, Examinations; TAMMY CAMPBELL, Program Manager II, Operations & Management; KIM WONG, Admissions; DEVAN MCFARLAND, Admissions.

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Metadata

You should anticipate the need to disclose and produce system and application metadata and act to preserve it. System metadata is information describing the history and characteristics of other ESI. This information is typically associated with tracking or managing an electronic file and often includes data reflecting a file's name, size, custodian, location and dates of creation and last modification. Application metadata is information automatically included or embedded in electronic files, but which may not be apparent to a user, including deleted content, draft language, commentary, tracked changes, speaker notes, collaboration and distribution data and dates of creation and printing. For electronic mail, metadata includes all header routing data and Base 64 encoded attachment data, in addition to the To, From, Subject, Received Date, CC and BCC header fields.

Metadata may be overwritten or corrupted by careless handling or improper preservation, including by carelessly copying, forwarding, or opening files.

Servers

With respect to servers used to manage e-mail (e.g., Microsoft 365, Microsoft Exchange, Lotus Domino)

and network storage (often called a "network share"), the complete contents of each relevant custodian's network share and e-mail account should be preserved. There are several cost-effective ways to preserve the contents of a server without disrupting operations. If you are uncertain whether the preservation method you plan to employ is one that we will deem sufficient, please contact the undersigned.

Home Systems, Laptops, Phones, Tablets, Online Accounts, Messaging Accounts and Other ESI Sources

Though we expect that you will act swiftly to preserve data on office workstations and servers, you should also determine if any home or portable systems or devices may contain potentially relevant data. To the extent that you have sent or received potentially relevant e-mails or created or reviewed potentially relevant documents away from the office, you must preserve the contents of systems, devices and media used for these purposes (including not only potentially relevant data from portable and home computers, but also from external storage drives, thumb drives, CD- R/DVD-R disks and the user's phone, tablet, voice mailbox or other forms of ESI storage.). Similarly, if you used online or browser-based e-mail and messaging accounts or services (such as Gmail, Yahoo Mail, Microsoft 365, Apple Messaging, WhatsApp or the like) to send or receive potentially relevant messages and attachments, the contents of these account mailboxes and messages should be preserved.

Ancillary Preservation

You must preserve documents and other tangible items that may be required to access, interpret or search potentially relevant ESI, including manuals, schema, logs, control sheets, specifications, indices, naming protocols, file lists, network diagrams, flow charts, instruction sheets, data entry forms, abbreviation keys, user ID and password rosters and the like.

You must preserve passwords, keys and other authenticators required to access encrypted files or run applications, along with the installation disks, user manuals and license keys for applications required to access the ESI.

If needed to access or interpret media on which ESI is stored, you must also preserve cabling, drivers, and hardware. This includes tape drives, readers, DBMS other legacy or proprietary devices and mechanisms.

Paper Preservation of ESI is Inadequate

As hard copies do not preserve electronic searchability or metadata, they are not an adequate substitute for, or cumulative of, electronically stored versions. If information exists in both electronic and paper forms, you should preserve both forms.

Agents, Attorneys and Third Parties

Your preservation obligation extends beyond ESI in your care, possession or custody and includes ESI in the custody of others that is subject to your direction or control. Accordingly, you must notify any current or former agent, attorney, student, custodian, and contractor in possession of potentially relevant ESI to preserve such ESI to the full extent of your obligation to do so, and you must take reasonable steps to secure their compliance.

Preservation Protocols

We are desirous of working with you to agree upon an acceptable protocol for forensically

sound preservation and can supply a suitable protocol if you will furnish an inventory and description of the systems and media to be preserved. Alternatively, if you promptly disclose the preservation protocol you intend to employ, we can identify any points of disagreement and resolve them. A successful and compliant ESI preservation effort requires expertise. If you do not currently have such expertise at your disposal, we urge you to engage the services of an expert in electronic evidence and computer forensics so that our experts may work cooperatively to secure a balance between evidence preservation and burden that's fair to both sides and acceptable to the court.

Do Not Delay Preservation

Do not defer preservation steps pending such discussions if ESI may be lost or corrupted because of delay. Should your failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence, and we will not hesitate to seek sanctions.

Confirmation of Compliance

Please confirm by August 3, 2023, that you have taken the steps outlined in this letter to preserve ESI and tangible documents potentially relevant to this action. If you have not undertaken the steps outlined above, or have taken other actions, please describe what you have done to preserve potentially relevant evidence and what you will not do. Else we will rely upon you to complete the preservation sought herein.

Time Remains of the Essence

Given the nature of the subject matter and academia's need to carefully review records; the circumstances surrounding the application processing; the failure to provide timely documentation and/or processing; and The State Bars continued issuance of documentation clearly identifying the issues that student Hill was impacted by, including the accrual of interest and late fees under terms reasonably believed to be unlawful under State of California Labor and Professions Code; organizational restructuring and the retirement of key personnel familiar with

the chain of events as both witness and actor; various other factors both known and unknown by the student at the time of this writing, time clearly is, and remains, of the essence to maintain a fair process.

Student(s) further assert:

> That the State Bar of California's continued treatment of time as nonessential, when it acknowledged in September 2022 that "time was of the essence" knew and must have reasonably foreseen that would produce a hardship and the continuing delay by the Bar in completing or in complying with the terms unnecessarily subjects the student to ongoing serious injury and loss, including but not limited to:
>
> a. additional interest and late fees related to charges not in dispute;
> b. tolling violation of student's rights under California and Federal law, including potential violations under Title IX;
> c. other issues, including loss of familiar consortium, financial loss, threats to reputation and libel.

State Bar Staffer Natalie Leonard in 2022 expressly communicated that "time is of the essence" related to the matter, so the former assertions should be noncontroversial.

Conclusion

Thank you for your time and assistance in resolving this matter.
Please feel free to contact Todd Hill directly with any additional requests for information or clarifications via telephone at (661) 899-8899 or via email to toddryangregoryhill@gmail.com.
I look forward to your response.
Sincerely,

/s/ Todd Hill

July 31, 2023